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EXAMINER

EVANS, KIMBERLY L

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/631,287	<b>Applicant(s)</b> KLIPSTEIN, MATTHEW	
	<b>Examiner</b> Kimberly Evans	<b>Art Unit</b> 4143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/27/03</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the application filed on 31 July 2003.
2. Claims 1-25 are currently pending and have been examined.

### **Information Disclosure Statement**

3. The Information Disclosure Statement filed on October 27, 2003 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### **Drawings**

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. In Figure 1, labels for Items, 1, 2, 8, 10, 12, 14, 16, 18, 46, and 48 are missing. The unlabeled rectangular boxes shown in the drawings should be provided with descriptive text labels. Therefore, the features from claims 1 through 25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a specific or credible utility as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure

is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

6. The disclosure is objected to because of the following informalities:
  - (a) Paragraph 27, last sentence refers to parties 16 (see below) and parties 18 (see below), the information relating to the interface functions communicating with parties 16 and 18 is not shown below.
  - (b) Paragraph 28, last sentence refers to “specific example of a revenue sharing rule is discussed below”, however the example is not discussed below.
  - (c) Paragraph 36 refers to research database 32, Network 10, central computer 30, and register unit 34 in Figure 2, however they are not shown in the drawing.
  - (d) Paragraph 37 refers to viewing member 2, accessing network 10, block 24 and a menu in Figure 3 but they are not shown in the drawing.
  - (e) Paragraph 40 refers to computer 30 in Figure 6, however it is not shown in the drawing.
  - (f) Paragraph 41 refers to negotiation entity, 16, consortium 1, entity 10, partner 18, and register 40, in Figure 7 but they are not shown in the drawing.

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(g) Paragraph 43 refers to partner 18, consortium 1 interface , Financial institution 50, Interface 42, account generator 44, agreement register 40, side deal register 34, account register 46, in Figure 9 but they are not illustrated in the drawings.

**Claim Rejections – 35 USC § 112 - 1<sup>st</sup> Paragraph**

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
8. Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Many features critical or essential to the practice of the invention, but not included in the claims is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).
9. With respect to Claim 1, the limitations describe "a means for resolving research substance", "set of characteristics", "set of criteria" , however the means for "resolving" is not described, nor has the research "substance", "set of characteristics", "set of criteria" been described in sufficient detail to enable any persons skilled in the art to make or use it the invention, hence for the Examiner, one skilled in the art or even an expert to figure this out would be an "undue burden". Claim 1 limitation

“...receiving reports from said partner to receive reports defining compensatable uses of the research solution” does not provide sufficient detail essential to the practice of the invention in that it does not disclose the protocol or algorithms used to determine the how the reports are generated, calculated, adjusted, or the “compensatable uses” of the research solution. Claims 2-11 do not resolve the deficiencies set forth in claim 1 and are therefore rejected for the same reasons.

10. Claims 3 and 21 describe “a side deal register which is coupled to said rule-based register, to ‘modify’ rule in accordance with a side deal”, but neither the claims nor the disclosure distinctly describes how modifications are made to the ‘rule’ via the rule-based register. For the Examiner, one skilled in the art, or even an expert to figure this out would be an “undue burden”.
11. Claim 12 limitations refer to “identifying a solution in data in said network” and “allocating said income among said members in accordance with a predetermined rule”...neither the claim nor the disclosure describes the criteria or the method in which the solution and/or predetermined rule will remunerate members. Furthermore, the “predetermined rule” lacks antecedent basis for this limitation in the claim. Claims 13-25 do not resolve the deficiencies set forth in claim 12 and are therefore rejected for the same reasons. For the Examiner, one skilled in the art, or even an expert to figure this out would be an “undue burden”.

#### **Claim Rejections – 35 USC § 112 – 2<sup>nd</sup> Paragraph**

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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13. Claim 1 is objected to since the preamble describes a "data processing system 'form'" the term "form" is relative which could render the claim indefinite. In addition, a "form" is non-patentable subject matter. However the second limitation of claim 1 appears to indicate intentions to claim a system (research database). For purposes of examination, the word "form" will be ignored and not considered.
14. Claims 4-11 and 13-25 are rejected as being indefinite.
15. With respect to Claim 4 "said CPU providing a privilege". Since the term CPU was not introduced in earlier claims there is insufficient antecedent basis for this limitation in the claim, therefore claim 4 is rejected.
16. With respect to Claim 14, it refers to "...allocating comprising calculation utilizing the predetermined rule" which is not defined in claim 12. Claims 16 and 17 inherit the same deficiency as claim 14 in that they refer to "the rule" which was not distinctly described in Claim 12. It is certainly unclear which "rule" of all rules listed does predetermined rule refer.

#### **Claim Rejections - 35 USC § 101**

17. The following is a quotation of the first paragraph of 35 U.S.C. 101:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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18. Claims 1-25 are rejected under U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 and 12 are independent claims and both are of an abstract idea and non-functional description material, therefore only a judicial exception, not being one of the statutory categories. The claims do not provide any physical transformation and the invention as claimed does not produce a “useful, concrete, and tangible result.” Also the supporting dependent claims do not remedy this flaw.
19. For an invention to be useful, it must satisfy the utility requirement of 35 U.S.C. 101. The utility requirement provides that the utility of an invention has to be specific, substantial and credible. A claim that can be read so broadly as to include statutory and nonstatutory subject matter must be amended to limit the claim to a practical application. Another consideration is whether the invention produces a concrete result. The process must have a result that can be substantially repeatable or the process must substantially produce the same result again. Since the method and system described here is contingent upon various rules which are not distinctly described in the disclosure but determined by the members of the consortium to include but not limited to the rule-based generator, membership rules, winners share, participant's share, side deals, and the like. The results of this system and method are unpredictable. This invention lacks enablement since it cannot operate as intended without undue experimentation.
20. Claims 8 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a useful or concrete asserted utility or a well established utility.
21. Claims 8 and 18 describe “a rule” which comprises the winner's share  $R_w = (100\% - (N - 1\%)) \times I$  and the participant's share  $R_p = I / (N - 1)$ , however, it does not account for N



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when the total number of participants exceed 100 hence, making the outcome of the winner's share negative. According to the proposed rule, it would grant a share to the participant, while, the winner would not receive a share if the number of participants exceed 100. Claims 8 and 18 fail to produce a concrete or tangible result. Merely calculating a winner's share or participant's share is not a practical application of the method.

22. Claims 8 and 18 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a useful or concrete asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

#### **Claim Rejections - 35 USC § 102**

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
- A person shall be entitled to a patent unless –
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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24. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
25. Claims 12, 14, 15, are rejected under 35 U.S.C. 102(e) as being anticipated by: Anderson, Richard, Park International Publication Number WO 2004/038564A2 US Priority Date October 25, 2002;
26. As per **Claim 12**, Andersen as shown, discloses the following limitations:
- *establishing a consortium consisting of a set of members, providing a network for communication among all members, authorizing access by members of the consortium to the network and protecting the network from non-members, communicating by at least a member to provide data to said network, exchanging data between at least one member and another member (see at least Abstract: system and method for promoting information or knowledge sharing among users registered to a computer network by allowing an information knowledge owner to locate or directly access private information, to publish information for direct access by knowledge requestors,....or to broker information....allow an organization to develop....);*
  - *tracking when and by whom each provision of data is contributed (see at least page 14 lines 8-10: referring to the Knowledge Sharing Machine (KSM): "...the KSM tracks the number of requests for and subsequent delivery of listed or published information from the Knowledge Owner (KO) to the Knowledge Requestor (KR)...") ,*

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- *identifying a solution in data in said network* (see at least page 10, lines 11- 16: definition of “Published Knowledge”: “...information that has been authorized by the KO for direct access through the KSM after either passing through the knowledge brokerage process...and lines 17-22: referring to the Correlation Index (CI) ..is a comparison means to indicate the degree of correlation between a request and a knowledge object...”in the case of published information 302, the correlation can be as high as 100%...);the Comparison Index described in Anderson identifies a solution by indicating the degree of correlation.
- *earning income based on said solution; and allocating said income among said members in accordance with a predetermined rule* (see at least page 14, lines 7-12: “...knowledge sharing reward tracking module ....the tracked information will be used within a compensation system to reward members of the system.....”)

27. As per **Claim 14**, Andersen as shown, discloses the following limitations:

- *calculating an amount due to a member utilizing the predetermined rule* (see at least page 11 lines 22 and 23: referring the sharing reward tracking module, “...tracked information will be used within a compensation system to reward users....”)

28. As per **Claim 15**, Andersen as shown, discloses the following limitations:

- *a medical research consortium and wherein said data inputs are proprietary to the consortium* (see at least page 16, lines 17 and 18: “Primary holders of the information can specify access rights and privileges granted to other users..” and page 5, lines 9-22:”...these include but are not limited to collaboration in the following industries and organizational structures....scientific research...medical...)

**Claim Rejections - 35 USC § 103**

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- (a) Determining the scope and contents of the prior art.
- (b) Ascertaining the differences between the prior art and the claims at issue.
- (c) Resolving the level of ordinary skill in the pertinent art.
- (d) Considering objective evidence present in the application indicating obviousness or nonobviousness.

31. Claims 1, 2, 5-7, and 9-11 are rejected as being unpatentable over Andersen in view of Hughes, US Patent Application Publication No. US 2003/0093478A1, May 15, 2003, in further view of Petras et al, US Patent Application Publication No. US2001/0047290A1, November 29, 2001.

32. **As per Claim 1,**

Andersen as shown, discloses the following limitations:

- *means for resolving research substance into a set of characteristics* (see at least page 4, lines 19 -12: "...a central knowledge repository and a number of distributed knowledge repositories each of which is associated with a specific user...");
- *a database means for storing a set of criteria* (referring to Figure 4, see at least page 8, line 9: "...a data storage device 128" ....) *said criteria being measured by presence or absence of a characteristic* (see at least page 9, lines 25-27: "...the categorization of the knowledge flowing in the system..."); *comparison means to determine if characteristics of a research solution meet a pre-defined set of criteria* (see at least page 10, lines 17- 19: "...The Correlation Index ("CI") which is used in the system, is a comparison means ....");
- *an interface for communication with a partner having an agreement with said consortium to compensate said consortium for use of said research solution* (see at least Figure 5 and page 9, lines 3 – 8: "system 200 also includes a central knowledge object repository (CKOR) 202 ...managed through peer-to-peer technology to appear as a central body of information to the users of the system. CKOR 202 is part of the knowledge sharing application...." and at least page 9, lines 21-24: "...system 200...measuring, rewards tracking and reporting software ...by the Knowledge Sharing Machine....");
- *a report register for receiving reports from said partner to receive reports defining compensatable uses of the research solution* (see at least page 9, lines 21-24: "...system 200 comprises the entirety of the system including.... measuring, rewards

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tracking, and reporting software components managed by the Knowledge Sharing Machine (KSM)...);

- *and a rule-based account generator for processing said report data, said rule-based account generator incorporating a rule defining share of each participant of compensation due to said consortium based on said report data, said rule-based account generator generating a result comprising an amount of compensation due to a participant in accordance with the rule* (see at least page 9, lines 21-24: "...system 200 comprises the entirety of the system....operational, administrative, measuring, rewards tracking, and reporting software components...and page 11 lines 9 – 12 "...system 200 also includes a knowledge sharing reward tracking module..." and see at least page 14, lines 8-12: "...KSM tracks the number of requests for and subsequent delivery .....through the knowledge brokering process or through the automated publishing process.....the tracked information will be used within a compensation system to reward members of the system.....") System 200 including the knowledge sharing reward tracking module described in Andersen functions as the rule-based account generator.

Andersen teaches all of the limitations described above. Anderson does not disclose the following limitation, but Hughes however, as shown discloses:

- *a membership register for identifying consortium members;* (see Hughes page 3, paragraph 31:"...a database of individuals, registered users, and/or organizations...".)

It would have been obvious to one skilled in the art at the time of the invention to combine the system 200 of Andersen with the database of registered users and/or organization of Hughes because it would enable users, organizations, participants, and the like to understand the expertise of the registered users and/or organizations and ascertain the areas of collaboration they may find of interest.

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The combination of Andersen and Hughes does not disclose the following limitation, but Petras however as shown discloses:

- *a research database to store entries by members and time-stamp means for identifying submission of research* (see at least Figure 1B, ....Database server and page 10, paragraph 155: ".....comprises a database for storage of data and Figure 102 "Date/Time Stamp" and page 33, paragraph 462: "...shows the date and time each survey...")

It would have been obvious to one skilled in the art at the time of the invention to combine the data storage device of with the time-stamp means of Petras because this would be a more efficient process to track the research submission entries of the members.

**33. As per Claim 2,**

Andersen, Hughes, and Petras disclose the limitations as shown in the above rejections. Furthermore, Petras, also as shown, discloses:

- *interface comprises means to receive transmissions indicative of electronic funds transfers to said consortium from said partner* (see at least Figure 102 and corresponding text on page 33, paragraph 462: "...the account history page shows.... the charges for each and a description of those charges...it also shows...the credit card ....reference and authorization numbers....")
- *wherein said rule-based generator comprises means for generating instructions to instruct a transfer to a participant in accordance with said result* (see at least Figure 9 and corresponding text on page 13, paragraph 182: "...rewards management automation software that comprises activities to:.....set amount of the pool \$ available for distribution to members and correspondents...set award pool percentage or count of participants to receive awards.....").

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing reward tracking system of Anderson with the tracking system and method that distributes compensation to the participants electronically of Petras because this would provide an efficient means for distribution of compensation rewards to the appropriate participants.

34. **As per Claim 5,**

Anderson, Hughes, and Petras disclose the limitations as shown in the above rejections. Furthermore, Hughes also as shown discloses:

- *a telecommunications routine for providing an on-line meeting of said participants* (see at least page 3, paragraph 30: “....the general forum 30 may include a wide variety of public communication and collaboration techniques...these may include voice messaging, text messaging, both real time and “email” varieties, file sharing, multi-user audio and/or video conferencing.....”)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the central knowledge object repository (CKOR) of Andersen with the general forum of Hughes because providing multiple forums for communication among participants would be a more effective and efficient process to increase and encourage group participation from varying locations.

35. **As per Claim 6,**

Andersen, Hughes, and Petras disclose the limitations as shown in the above rejections. Furthermore, Hughes also as shown discloses:

- *a privilege register for providing access to selected entries in said research database to selected populations* (see at least page 4, paragraph 36: “...the S/C 130 is not generally accessible to all users of the system 140....the S/C forum may be more restricted.”)



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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the privilege register of Andersen with the S/C of Hughes because it would limit access to specific research databases amongst participants.

36. As per **Claims 7**,

Anderson, Hughes and Petras disclose the limitations as shown in the above rejections. Furthermore, Hughes also as shown, discloses:

- *selected populations comprise consortium members, the public, consortium negotiating partners and consortium partners* (see at least FIGURE and paragraph 19: system sponsor 100 maybe a single user or may refer collectively to a large group of user....all other users will collectively be referred to as third-party users...anyone could be a third party user..." and paragraph 20: "...conceptually all members of the public may be part of this group that interacts with the system 140...third party users of system 140 may consist of....a group of companies.....).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine system 200 of Andersen with Hughes because the system sponsor would provide a broader range of participants, ideas and proposed solutions while providing an opportunity for categorization of proposed research solutions.

37. As per **Claims 9-11**

Anderson, Hughes, and Petras disclose the limitations as shown in the above rejections. Furthermore, Hughes also, as shown, discloses:

- Claims 9-11 refer to *a system and/or method for adding and removing members*, Hughes teaches a membership mechanism which allows system sponsors to determine rules related to membership to the team(s). (See at least page 4, paragraph 34: "...a mechanism for soliciting membership in an Ad-Hoc team and access to a secure "solution/collaboration team forum ... a membership mechanism which allows users to utilize the solution forum without outside interference..." and

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paragraph 37: "...the system sponsor my set up expectations or "rules of engagement" relating to the output of the solution forums...")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing machine of Andersen with the membership mechanism of Hughes because it would provide freedom for members in setting goals, identifying projects while preventing monopolization of winning solutions, and provide opportunities to maintain and solicit specific subject knowledge experts within the group(s) when needed.

38. Claims 3, 8, 18-25 are rejected as being unpatentable over Andersen in view of Hughes, in view of Petras, in further view of Reisman, Richard, US Patent Application Publication No US2004/0186738A1 issued , September 23, 2004

39. **As per Claims 3 and 21:**

Anderson, Hughes, and Petras disclose the limitations as shown in the rejections above. The combination of Andersen, Hughes and Petras does not disclose the following limitations, but Reisman, however, as shown, discloses:

- *a side deal register to store side deal arrangements between a participant and at least one other participant, said side deal register being coupled to said rule-based register to modify said rule in accordance with a side deal* (see at least Reisman, page 6 paragraph 115: Referring to Figure 4: "venture/investor deals" and Figure , "...Participants may interact with an inventor/contributor allocation process....to determine contributor allocation shares 512. and page 7 ....value exchange 530..may determine what value is due from application users....what portion can be expected from participating users...what value compensation may be due to contributors.....and paragraph 267: Exemplary models include:: "revenue share (or flat or tiered fees) in license/assignment deals between members...).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing system of Anderson with the value exchange system of Reisman to calculate compensation due to participants when making side deals because this would provide an efficient reward process for third party deals.

40. As per **Claims 8, and 18,**

Anderson, Hughes, Petras and Reisman disclose the limitations as shown in the above rejections. Furthermore, Reisman also as shown discloses:

- *said rule comprises  $R = (100\% - (N - 1\%)) \times I$  where  $R_w$  is a winner's share,  $N$  is the total number of members in the consortium, and  $I$  is the amount of income accruing from the research solution and wherein  $R = I / (N - 1)$ , where  $R_p$  is a participant's share (see at least Figure 5, page 7 paragraph 115 continuing on page 8: "...block diagram of an Alternative Reward System:...such may determine what value is due from the application users, what portion can be expected from participating users, what value compensation may be due to contributors....") The Alternative Reward system disclosed in Reisman teaches the method of claims 8 and 18 in that it determines the remuneration due to the participants, winners, members and the like based on their contribution to the research solution.*

It would have been obvious to one of ordinary skill in the art to combine the knowledge sharing reward tracking system of Andersen with Reisman's alternative reward system because it's a more efficient way to determine the appropriate compensation due to the participants based on their contribution to the research solution.

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**41. As per claim 19,**

Andersen, Hughes, Petras and Reisman disclose the limitations as shown in the above rejections. Furthermore, Reisman also as shown discloses:

- *providing a network comprises providing a virtual private network* (see at least page 3, paragraph 41: "...based on physical meetings, and a "virtual" one which may be used synonymously with "electronic"...and page 4, paragraph 44, definition of "Internet": "...may include the current Internet, including all devices and tributary networks which may connect to the Internet...."). .

It would have been obvious to one of ordinary skill in the art to combine system 200 of Andersen with Reisman's virtual private network because it would restrict proprietary information from the public and allow privacy, convenience and ad-hoc meetings for selected participants and/or groups.

**42. As per Claim 20,**

Anderson, Hughes, Petras, and Reisman disclose the limitations as shown in the rejections above. Furthermore Petras also as shown discloses:

- *distributing income to said members by means of electronic funds transfers; and wherein said network comprises a rule-based generator programmed in accordance with said rule to generate instructions to instruct a transfer to a member* (see at least Figure 102 and corresponding paragraph 462: "...it also shows the date and time each survey was created, the credit card each to which each survey was charged....reference and authorization numbers for each). ....").

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing reward tracking system of Andersen with the rewards management automation software of Petras because this would provide an efficient method for tracking and disbursement of compensation rewards.

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**43. As per Claim 22,**

Andersen, Hughes, Petras and Reisman disclose the limitations as shown in the rejections above. Furthermore, Hughes also as shown discloses:

- *conducting on-line meeting of said members on said network* (see at least page 3, paragraph 30: "...the general forum 30 may include a wide variety of public communication and collaboration techniques..these may include voice messaging, text messaging, both real time and "email" varieties, file sharing, multi-user audio and/or video conferencing.....")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the central knowledge object repository (CKOR) of Andersen with the general forum of Hughes because providing multiple forums for communication among participants would be a more effective and efficient process to increase and encourage group participation from varying locations.

**44. As per Claim 23,**

Andersen, Hughes, Petras, and Reisman disclose the limitations as shown in the rejections above. Furthermore, Hughes also as shown discloses:

- *a privilege register for providing access to selected entries in said research database to selected populations* (see at least page 4, paragraph 36: "...the S/C 130 is not generally accessible to all users of the system 140....the S/C forum may be more restricted.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the privilege register of Andersen with the S/C of Hughes because it would limit access to specific research databases amongst participants.

**45. As per Claim 24,**

Andersen, Hughes, Petras, and Reisman disclose the limitations as shown in the rejections above. Furthermore, Hughes also as shown discloses:

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- *selected populations comprise consortium members, the public, consortium negotiating partners and consortium partners* (see at least FIGURE and paragraph 19: system sponsor 100 maybe a single user or may refer collectively to a large group of user....all other users will collectively be referred to as third-party users...anyone could be a third party user..." and paragraph 20: "...conceptually all members of the public may be part of this group that interacts with the system 140...third party users of system 140 may consist of....a group of companies.....).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine system 200 of Andersen with Hughes because the system sponsor would provide a broader range of participants, ideas and proposed solutions while providing an opportunity for categorization of proposed research solutions

46. **As per Claim 25,**

Andersen, Hughes, Petras, and Reisman disclose the limitations as shown in the rejections above. Furthermore, Hughes also as shown discloses:

- *further adding or dropping a member in response to a vote of not less than  $N-1$  where  $N$  is the total number of current members* (see at least page 4, paragraph 34: "...a mechanism for soliciting membership in an Ad-Hoc team and access to a secure "solution/collaboration team forum ... a membership mechanism which allows users to utilize the solution forum without outside interference..." and paragraph 37: "...the system sponsor my set up expectations or "rules of engagement" relating to the output of the solution forums...")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing machine of Andersen with the membership mechanism and system sponsor of Hughes because it would provide freedom for members in setting goals, expectations and identifying rules relevant to membership.

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47. **Claim 4** is rejected as being unpatentable over Andersen in view of Hughes, in view of Petras, in further view of [www.micronomics.com](http://www.micronomics.com).

Andersen discloses the limitations as shown in the above rejections. The combination of Andersen, Hughes, and Petras does not disclose the following limitations, but Micronomics.com however, as shown discloses:

- *a lead institution terminal for operation by a lead institution, said CPU providing a privilege to said lead institution to characterize research submissions according to characteristics* (see at least [www.micronomics.com](http://www.micronomics.com): “Introducing Micronomics: Micronomics is a professional service firm: We undertake economic research to find answers to complex questions faced by our clients..” ...we provide support necessary to extract, analyze, and organize information residing on multiple systems....and ...our staff is also practiced in the economic and financial valuation techniques...”).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the Knowledge Sharing Machine of Andersen with Micronomics’ professional research services because this process would provide an effective means for analyzing, organizing and tracking research submissions.

48. **Claim 13** is rejected as being unpatentable over Andersen, in view of Hughes, Larry US Patent Application Publication No. US 2003/0093478A1, issued May 15, 2003. Andersen discloses all of the limitations as shown in the rejections above.

Andersen does not disclose the following limitations, but Hughes however as shown discloses:

- *providing a membership rule for adding new members and eliminating members and selectively adding or elimination members in accordance with the membership rule* (see at least page 4, paragraph 34: “...a mechanism for soliciting membership in an Ad-Hoc team and access to a secure “solution/collaboration team forum ... a membership mechanism which allows users to utilize the solution forum without

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outside interference...” and paragraph 37:”...the system sponsor my set up expectations or “rules of engagement” relating to the output of the solution forums...”)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing machine of Andersen with the membership mechanism of Hughes because it would provide freedom for members in setting goals, identifying projects while preventing monopolization of winning solutions, and provide opportunities to maintain and solicit specific subject knowledge experts within the group(s) when needed.

49. Claims 16, 17 are rejected as being unpatentable over Andersen in view Reisman, Richard US Patent Application Publication No US2004/0186738A1 issued September 23, 2004.

50. **As per Claim 16,**

Anderson discloses the limitations as shown in the rejection above. Andersen does not disclose the following limitations, but Reisman however, as shown discloses:

- *one member in characterized as a winner based upon correspondence of input of the member with a solution and wherein the winner is allocated a winner's share in accordance with the rule (see at least page 4, paragraph 60: Participants may each have a variety of roles, including but not limited to.....and page 23, paragraph 315: “...award structures that create and recognize winners in several dimensions....”) and wherein each participant is allocated a participant's share in accordance with the rule (see at least Figure 4 and page 6 paragraph 114:”...referring to the reward administration system, specifically the value process:”...to seek to compensate contributors ....to assess contributions, the relative input contribution share attributable to participants, whether inventors or otherwise...”).*

It would have been obvious to one of ordinary skill in the art to combine the knowledge sharing reward system of Andersen with Reisman's reward administration



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system, specifically the value process, because this would be a more efficient reward process in the assessment and allocation of compensation to members based on their contribution.

51. **As per Claim 17**

Anderson discloses the limitations as shown in the above rejections. Andersen does not disclose the following limitations, but Reisman however as shown, discloses:

- *members other than the winner are characterized as participants* (see at least page 4, paragraph 60: Participants may each have a variety of roles, including but not limited to.....and page 23, paragraph 315: "...award structures that create and recognize winners in several dimensions...." and page 4, paragraph 74:"...a participant may participate in multiple roles....") *and wherein each participant is allocated a participant's share in accordance with the rule* (see at least Figure 4 and page 6 paragraph 114:"...referring to the reward administration system, specifically the value process:"...to seek to compensate contributors ....to assess contributions, the relative input contribution share attributable to participants, whether inventors or otherwise...").

It would have been obvious to one of ordinary skill in the art to combine the knowledge sharing reward system of Andersen with Reisman's reward administration system, specifically the value process because it would provide an efficient reward process based on participant contribution.

### **Conclusion**

52. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Williams et al., U.S. Patent No. US6952678B2, Method, Apparatus and Manufacture for Facilitating a Self-Organizing Workforce issued October 4, 2005. Reference describes a system, method and apparatus for for facilitating a self-organizing workforce through payment and recognition incentives utilizing various operating rules.
- Miles, Raymond; Miles, Grant; Snow, Charles; ScienceDirect, "Long Range Planning: The Future.Org"; Volume 33, Issue 3, June 2000. Reference describes the best way to increase corporate earnings via innovation, specifically collaboration. It describes a collaboration-based organizational model for innovation, and the barriers to effective collaboration and innovation.

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53. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Kimberly L. Evans** whose telephone number is **571.270.3929**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A. Reagan** can be reached at **571.272.6710**.
54. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free). Any response to this action should be mailed to: **Commissioner of Patents and Trademarks Washington, D.C. 20231** or faxed to **571-273-8300**. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**: Randolph Building 401 Dulany Street, Alexandria, VA 22314.

/Kimberly Evans/Examiner, Art Unit 4143

January 16, 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143